

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re Application of
ATIKU ABUBAKAR

For an Order Directing Discovery from
CHICAGO STATE UNIVERSITY Pursuant to
28 U.S.C. § 1782.

Case No. 23-cv-05099
Honorable Nancy L. Maldonado
Magistrate Judge Jeffrey T. Gilbert
ORAL ARGUMENT REQUESTED

APPLICANT ATIKU ABUBAKAR'S RESPONSE TO
BOLA A. TINUBU'S MOTION TO JOIN OR INTERVENE

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Applicant Atiku Abubakar (“Applicant”) respectfully responds to Mr. Bola A. Tinubu’s Motion to Join or Intervene (the “Motion”) in the above-captioned litigation. Dkt. 10. At the outset, Applicant emphasizes that he does *not* oppose the Motion, but questions why Mr. Tinubu filed it, instead of contacting and coordinating with Applicant’s counsel to submit a joint submission. Applicant previously advised Mr. Tinubu’s counsel in writing that Applicant would stipulate to Mr. Tinubu’s intervention and specifically stated so in his submission for an Order Directing Discovery from Chicago State University Pursuant to 28 U.S.C. § 1782 (the “Application”). Application, Dkt. 1.

Thus, on July 27, 2023, almost a week prior to filing the Application, counsel for Applicant advised counsel for Mr. Tinubu and CSU that Applicant intended to file the Application and that he was “willing to stipulate to Mr. Tinubu’s intervention in the Section 1782 federal action.” Liu Decl. Ex. A. In his memorandum of law in support of the Application, Applicant informed the Court that his counsel had previously advised Mr. Tinubu’s counsel that he “would consent to Mr. Tinubu’s intervention in this action,” and that “[t]o expedite these proceedings, Applicant hereby confirms its consent to Mr. Tinubu’s intervention.” Dkt. 4 at 8 (citing communication dated July 27, 2023, from Applicant’s counsel to Mr. Tinubu’s and CSU’s counsel). Applicant reiterates here that he does not oppose Mr. Tinubu’s intervention in the above-captioned matter, and indeed, supports it to expedite the prompt resolution of the Application.

In addition, while Mr. Tinubu’s counsel made no effort to meet and confer on a briefing schedule in advance of requesting a date to file his opposition to the Application, we likewise do not oppose Mr. Tinubu’s request to file a response to the Application on or before August 11. In fact, as explained in the Application and accompanying Memorandum of Law, because the Court of Appeal of Nigeria is expected to issue its decision in *Abubakar v. INEC* on or before September

21, 2023, this is in line with Applicant's request that any subsequent briefing relating to the application or subpoena be permitted on an expedited basis. Application, Dkt. 1 ¶ 14; Memo in Support of Application, Dkt. 4 at 6.

In sum, Applicant does not oppose Mr. Tinubu's intervention in the above-captioned matter. Further, Applicant does not oppose Mr. Tinubu's request to file a Response to the Application on or before August 11. Applicant wrote to Mr. Tinubu's counsel yesterday, August 4, 2023, to ask if they would consent to a reply date of August 16, but as of this filing, has heard no response. Liu Decl., Ex. B. Applicant further requests oral argument on the Application, to be scheduled at the Court's earliest convenience, given the soon-anticipated ruling in *Akubakar v. INEC*. Applicant will submit a proposed Order to this effect.

Dated: August 4, 2023

Respectfully submitted,

s/ Angela M. Liu

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